

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF KANSAS

RICHARD D. BURK,

Petitioner,

v.

CASE NO. 09-3073-RDR

SHELDON RICHARDSON,

Respondent.

O R D E R

Petitioner, a prisoner currently confined in a detention facility in Leavenworth, Kansas, proceeds pro se and in forma pauperis on a petition for a writ of habeas corpus under 28 U.S.C. § 2241, challenging the jurisdiction of the court to prosecute and convict him 1993 on charges of bank robbery and being a felon in possession of a firearm. By an order dated April 17, 2009, the court directed petitioner to show cause why the petition should not be summarily dismissed because this court lacked subject matter jurisdiction to proceed under 28 U.S.C. § 2241 on petitioner's claims.

In response, petitioner reiterates his argument that the court lacked jurisdiction to prosecute and convict him in 1993.<sup>1</sup> Because petitioner makes no showing that the remedy afforded under 28 U.S.C.

---

<sup>1</sup>Petitioner submitted a pleading for filing in both the instant matter and a companion case the court dismissed without prejudice on May 1, 2009. Petitioner captioned his pleading as a Motion for Reconsideration in both cases. The court liberally treated the pleading as a motion to alter and amend the judgment entered in the companion case, and as a response to the show cause order entered in the instant matter.

§ 2255 is inadequate or ineffective, the court continues to find it lacks jurisdiction to proceed under 28 U.S.C. § 2241 to entertain petitioner's claims. Accordingly, for the reasons stated herein and in the order entered on April 17, 2009, the court concludes the petition should be dismissed.

IT IS THEREFORE ORDERED that the petition for a writ of habeas corpus under 28 U.S.C. § 2241 is dismissed without prejudice.

DATED: This 15 day of May 2009, at Topeka, Kansas.

s/ Richard D. Rogers  
RICHARD D. ROGERS  
United States District Judge